

REMARKS

In the Office Action mailed on August 14, 2007, the claims have been restricted under 35 U.S.C. § 121 as follows:

Group I (claims 117-129) drawn to a method for purifying nucleic acids;

Group II (claims 130-132) drawn to kits for purifying nucleic acids;

Group III (claim 133) drawn to a set of primers of SEQ ID NOs 1 and 2;

Group IV (claim 134) drawn to a set of primers of SEQ ID NOs 3 and 4; and

Group V (claims 135) drawn to a nucleic acid amplification method.

Applicants provisionally elect to prosecute the claims of Group I with traverse. In this Election, Applicants have amended claims 130-132. Claim 130 was amended to depend from claim 117, and claims 131 and 132 were amended to depend from claim 130. Therefore, claims 130-132, which were identified as Group II in the Restriction, ultimately depend from claim 117, which is the broadest claim within Group I. Claims 133-135 have been canceled. No new matter has been added by these amendments.

To support a restriction requirement under PCT Rule 13.2, the Examiner must show that the Groups lack the same or corresponding special technical feature. A special technical feature is a technical feature that defines the contribution of the claimed invention (as a whole) over the prior art. MPEP § 1850. In light of the amendments to claims 130-132, Groups I and II share a common special technical feature – the method of claim 117. For this reason, Applicants respectfully request that the restriction requirement be withdrawn, that claims 117-132 be examined on their merit, and that a Notice of Allowance be issued.


Should the Examiner have any questions or would like to discuss this further, the Examiner is invited to contact the Applicants' undersigned representative by telephone at 412-471-8815.

Application No.: 10/566,223
Response to Restriction Requirement dated August 14, 2007
Paper Dated: September 14, 2007
Attorney Docket No.: 4544-060174

Should the Examiner have any questions or would like to discuss this further, the Examiner is invited to contact the Applicants' undersigned representative by telephone at 412-471-8815.

Respectfully submitted,

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